



26 March 2026

**OBJECTION TO THE DRAFT**  
**TEMPORARY EMERGENCY ACCOMMODATION (TEA) POLICY**

Dear City of Cape Town,

The Cape Independence Party (CAPEXIT) objects in the strongest possible terms to the entire Draft Temporary Emergency Accommodation Policy (“the Draft Policy”).

This new policy will reward illegal land invaders with permanent housing, as well as provide free and subsidised services to the criminals engaged in this type of criminal activity.

We propose and recommend that it be rejected outright and redrafted from first principles or, preferably, withdrawn pending a full intergovernmental funding agreement and a review of the Constitutional Court’s overreach in the *Charnell Commando* matter.

Our objections are grouped under the following headings:

1. Unfunded Mandate – An Unconstitutional Burden on Cape Town Ratepayers.

The Draft Policy openly admits (pages 8–9, sections 2.2.1–2.2.2) that national government has centralised funding under the Emergency Housing Grant but deliberately excluded evictions, leaving the City with an unfunded mandate.

Section 8.5.3 states that the City “recognises that it has a shared obligation” yet must rely on NDoHS for funding it has no guarantee of receiving.

Cape Town’s ratepayers already subsidise national failures in housing, policing, and immigration control. The CAPEXIT Party will not support any policy that forces Western Cape taxpayers to bankroll a national housing crisis created by ANC governance. This is exactly why the Western Cape must gain control of its own fiscal and legislative powers through independence.

2. Encouragement of Unlawful Occupation and Queue-Jumping.

Despite lip-service in section 4.4 and 5.1.4, the Draft Policy still creates a perverse incentive:

- Housing kits, TRUs (five-year tenure), and shelters are offered even to those who occupied illegally (section 8.4.2).

- The policy explicitly applies to **private** evictions (page 10, footnote 1 records 1 785 private eviction housing reports in 2024 alone).
- Section 8.4.6 allows beneficiaries to keep emergency structures until a permanent house is offered, turning “temporary” into de facto permanent housing and undermining the City’s approved housing pipeline in the IDP.

This is precisely the “self-created emergency” the policy claims to avoid. The CAPEXIT Party demands that **no** assistance be given where the original occupation was unlawful.

### 3. Violation of Property Rights and Rule of Law.

The Draft Policy places the entire burden on the City and, by extension, on law-abiding property owners (section 9.4). Private owners are told to “secure their property” yet the City will still provide free accommodation to their unlawful occupiers. This inverts the constitutional balance.

The CAPEXIT Party insists that:

- Property owners must be indemnified and compensated for any municipal assistance given to their evictees.
- The City must recover costs from national government or from the evictee via civil judgment where possible.

### 4. Land Scarcity and Destruction of Spatial Planning.

Cape Town has severe well-located land constraints (acknowledged on page 10). The policy still requires the City to identify land “in line with the MSDF and IDP” (section 5.1.6) while simultaneously admitting that emergency housing often becomes permanent. This directly threatens approved housing projects for thousands of law-abiding Western Cape residents on the housing waiting list.

The CAPEXIT Party rejects any policy that compromises the integrity of the Integrated Human Settlements Sector Plan to accommodate people who created their own crisis.

### 5. Failure to Prioritise South African Citizens and Western Cape Residents.

The policy contains no explicit citizenship or residency test beyond vague references to Home Affairs verification (section 9.5). In a province already under demographic and service-delivery pressure, this is unacceptable.

The CAPEXIT Party demands that assistance be restricted to:

- South African citizens who have resided in the Western Cape for at least five years, and
- Only after proof of no family or private support (with verification).

### 6. Legal and Constitutional Flaws.

The Constitutional Court in *Charnell Commando* (December 2024) has no authority to dictate municipal budgets or force an unfunded mandate. Housing is a Schedule 4A national/provincial

competence. The City should have challenged this rather than to capitulate to the opposite extreme.

Recommendations:

1. **Reject the Draft Policy** in its current form.
2. **Demand** a binding intergovernmental agreement with NDoHS that provides ring-fenced, upfront funding before any policy is adopted.
3. **Amend** any future policy to:
  - o Prioritise Western Cape Residents
  - o Exclude non-South African citizens from assistance.
  - o Require full cost recovery from national government.
  - o Prioritise property-owner rights and family-support obligations.
  - o Cap the number of TRUs/housing kits annually to protect the IDP.

The Cape Independence Party, in defence of Cape Town property owners, residents and tax payers opposes this policy with the greatest of concern.

This new draft TEA policy, taken in conjunction with the PIE Act (Prevention of Illegal Evictions) will essentially provide full legal protection and create an economic incentive for illegal land invaders to invade any plot of land they choose, and to be rewarded with free permanent housing and state funded services, at the expense of law abiding Cape Town tax payers.

This is absolutely insane.

Sincerely,  
*Jack Miller*

Mr Jack Miller

Cape Independence Party - Leader



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